

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

RUSSELL F. SHEEHAN, as he is ADMINISTRATOR,
ELECTRICAL WORKERS' HEALTH AND
WELFARE FUND, LOCAL 103, I.B.E.W.;
ELECTRICAL WORKERS' PENSION FUND,
LOCAL 103, I.B.E.W.; ELECTRICAL WORKERS'
SUPPLEMENTARY HEALTH AND WELFARE
FUND, LOCAL 103, I.B.E.W.; ELECTRICAL
WORKERS' DEFERRED INCOME FUND,
LOCAL 103, I.B.E.W.; ELECTRICAL WORKERS'
JOINT APPRENTICESHIP AND TRAINING
FUND, LOCAL 103, I.B.E.W.; ELECTRICAL
WORKERS' EDUCATIONAL AND CULTURAL
FUND; ANTHONY J. SALAMONE, as he is
ADMINISTRATOR, NATIONAL ELECTRICAL
BENEFIT FUND; and LOCAL 103, INTERNATIONAL
BROTHERHOOD OF ELECTRICAL WORKERS,
Plaintiffs

C.A. No. 04-12209 EFH

vs.

CHRIS MEALEY ELECTRICAL, INC.,
Defendant

and

FIRST TRADE UNION BANK and FLEET BANK,
Trustees

PLAINTIFFS' MOTION FOR IMPOSITION OF SANCTIONS

Plaintiffs, Russell F. Sheehan, as he is Administrator, et al ("Funds"), move this honorable Court to impose sanctions upon the Defendant Chris Mealey Electrical, Inc. ("Mealey") for its failure to comply with either of two Orders issued by this Court. As grounds therefore, Plaintiffs state as follows:

1. On April 11, 2005, this honorable Court issued an Order for Preliminary Injunction, directing Mealey to provide the Funds with all pertinent payroll books and records for the period April, 2004 to the present for the purposes of an audit. This Order was served upon Mealey on April 27, 2005.

2. To date, Mealey has failed and refused to comply with the Court's Order for Preliminary Injunction.

3. On October 19, 2005, a Status Conference was held in this matter. At that time, after having been advised of Mealey's failure to comply with the Court's Order for Preliminary Injunction, this Court issued an Order directing Mealey to provide the Plaintiff Funds with its payroll records, employment records, and a current list of projects for the period April, 2004 to the present, so that an accounting could be completed, on or before November 2, 2005.

4. To date, Mealey has failed and refused to comply with the October 19, 2005 Court Order.

5. The October 19, 2005 Order further stated that Mealey's failure and refusal to comply with the Order shall result in a fine in the amount of \$500.00 per day to be imposed from November 2, 2005 up to and including the date of such compliance.

6. The Court's October 19, 2005 Order was sent to Mealey by the Funds' counsel via certified and first class mail on October 20, 2005.

7. As a result of Mealey's failure to comply with the October 19, 2005 Order, Plaintiff Funds respectfully request that this Court impose the stated sanction of \$500.00 per day upon Mealey, retroactive to November 2, 2005, until such time as Mealey complies with the Court Order.

8. Plaintiff Funds further respectfully request that this Court order that Christopher J. Mealey, president of the Defendant corporation, be held joint and severally liable for the payment of any fine amassed by his corporation as a result of its contemptuous conduct. See Wilson v. United States, 221 U.S. 361, 376 (1911), N.L.R.B. v. Maine Caterers, Inc., 732 F.2d 689, 691 (1st Cir. 1984); Electrical Workers Pension Trust Fund of Local Union #58, IBEW v. Gary's Electric Service Co., 340 F.3d 373, 380-82 (6th Cir. 2003).

9. Finally, Plaintiff Funds respectfully request that should Mealey's failure and refusal to comply with the Court's Order continue until December 12, 2005, at which time Mealey will have amassed fines in excess of \$20,000.00, that this Court issue a writ of habeas corpus to place Christopher J. Mealey in custody until such time as he complies with the Order.

WHEREFORE, Plaintiff Funds request that this honorable Court impose sanctions upon the Defendant for its failure to comply with either of two Orders issued by this Court.

Respectfully submitted,

RUSSELL F. SHEEHAN, as he is
ADMINISTRATOR, ELECTRICAL
WORKERS' HEALTH AND WELFARE
FUND, LOCAL 103, I.B.E.W., et al,

By their attorneys,

/s/ Gregory A. Geiman
Anne R. Sills, Esquire
BBO #546576
Gregory A. Geiman, Esquire
BBO #655207
Segal, Roitman & Coleman
11 Beacon Street
Suite #500
Boston, MA 02108
(617) 742-0208

Dated: November 7, 2005
GAG/gag&ts
ARS 3013 02-037/motion-sanctions.doc

CERTIFICATE OF SERVICE
I hereby certify that a true copy of the
above document was served upon the
~~Defendant~~
attorney of record for each other party
by mail and on Nov. 7, 2005
Brian A. Kline